



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

MARCIA DEVON
P.O. BOX 3781
5285 APPIAN WAY
LONG BEACH CA 90803

COPY MAILED

APR 3 0 2004

In re Application of
Rabello
Application No. 10/691,892
Filed: October 23, 2003
Attorney Docket No. Rabello
For: DOG LEASH HANDLE

OFFICE OF PETITIONS

DECISION ON
PETITION

This is a decision on the petition filed March 8, 2004 (certificate of mailing date March 4, 2004) requesting that Figures 4, 5, 6, and 7 be accorded a filing date of October 23, 2003. The petition will be treated under 37 CFR 1.53(e).

The application was filed on October 23, 2003. On January 26, 2004, the Office of Initial Patent Examination mailed a "Notice of Omitted Item(s) in a Nonprovisional Application" (Notice) informing petitioner, *inter alia*, that Figures 4, 5, 6, and 7, as described in the specification, appeared to have been omitted.

Petitioner requests that Figures 4, 5, 6, and 7 be accorded a filing date of October 23, 2003 on the basis that 3 sheets of drawing figures, including Figures 4, 5, 6, and 7, were received in the Patent and Trademark Office (PTO) on October 23, 2003. In support, the instant petition is accompanied by a copy of applicant's itemized postcard receipt showing an Office of Initial Patent Examination generated barcode citing October 23, 2003 as the date of receipt. The postcard lists, *inter alia*, that the filing included 3 sheets of drawings.

The return postcard constitutes *prima facie* evidence that 3 sheets of drawing figures were filed on October 23, 2003. MPEP 503. A review of the application file reveals that there are only 2 sheets of drawing figures present.

Accordingly, the petition under 37 CFR 1.53(e) is **GRANTED**. Pursuant to petitioner's authorization, the \$130.00 petition fee submitted on March 8, 2004 (certificate of mailing date March 4, 2004) will be credited to petitioner's credit card.

The application is being returned to Office of Initial Patent Examination for further processing, with a filing date of **October 23, 2003**, using the copy of Figures 4, 5, 6, and 7 submitted with the instant petition. Office records will be corrected to show that 3 sheets of drawings were present on initial filing.

Any inquiries pertaining to this matter may be directed to the undersigned at (703) 308-6712.

A handwritten signature in cursive script, reading "E. Shirene Willis".

E. Shirene Willis
Senior Petitions Attorney
Office of Petitions